

**UNION PACIFIC RAILROAD COMPANY**

LAW DEPARTMENT  
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CHICAGO, ILLINOIS 60606  
FAX NO. 312-777-2065

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**VIA UPS OVERNIGHT DELIVERY**

Vernon A. Williams, Secretary  
Surface Transportation Board  
1925 "K" Street, N.W.  
Washington, D. C. 20423-0001

RE: STB Docket No. AB-33 (Sub-No. 145X), Union Pacific Railroad Company  
Abandonment Exemption - in Stanislaus County, California  
(Tidewater Subdivision near Modesto, California)

Dear Mr. Williams:

By letter dated May 29, 2001, James P. Gatlin, Attorney for Union Pacific Railroad Company, wrote to you and advised that the southern segment of the Tidewater Subdivision from Milepost 30.63 to Milepost 32.05 in Modesto, California, had been fully abandoned (effective May 29, 2001) by Union Pacific pursuant to authority granted in the Board's Decision served May 15, 2000, ("Decision").

Although service has discontinued on the entire line, the northern segment of the line from Milepost 26.43 to Milepost 30.63 is still subject to the notice of interim trail use contained in the Decision, as extended to May 7, 2002.

In the Decision, the Board also imposed three conditions which are:

1. UP is to consult with the National Geodetic Survey (NGS) and provide it with ninety (90) days notice prior to disturbing or destroying any geodetic markers.
2. Union Pacific was to complete a Preliminary Endangerment Assessment (PEA) with the California Department of Toxic Substances Control (DTSC).
3. Union Pacific is to consult with the Resources Board of California prior to conducting salvage operations to determine if permits are required under California law.

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Surface Transportation Board  
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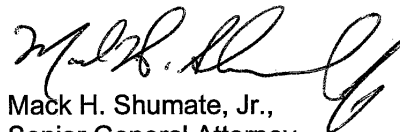
Union Pacific will comply with the NGS and California permitting conditions before salvaging the track material.

Union Pacific has also complied with the PEA condition and a PEA was submitted to DTSC. A copy of DTSC's letter to Union Pacific dated December 19, 2001, is attached hereto as Exhibit "A" and hereby made a part hereof. As you will note in DTSC's letter, the DTSC concurred with the PEA's conclusions that concentrations present in the soil do not appear to pose a significant threat to human health or the environment. The DTSC went on to advise in its letter that no further action is necessary with respect to the investigation and remediation of hazardous substances.

Union Pacific believes that the PEA condition imposed by the Board has been satisfied and requests that such condition be removed from the Board's Decision. Once the PEA condition is removed, Union Pacific and the City of Modesto will be in a position to finalize the trails use agreement.

I am including ten (10) copies of this letter with exhibits in accordance with the Board's filing requirements.

Sincerely,



Mack H. Shumate, Jr.,  
Senior General Attorney

MHS/taf  
Enclosures

cc: Jana Coons  
Office of the City Manager  
City of Modesto  
1010 Tenth Street, Suite 4100  
P. O. Box 642  
Modesto, California 95353

Phaedra Norton  
Deputy City Attorney  
City of Modesto  
City Attorney's Office  
Suite 6300  
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Modesto, California 95353



Winston H. Hickox  
Agency Secretary  
California Environmental  
Protection Agency

## Department of Toxic Substances Control

Edwin F. Lowry, Director  
8800 Cal Center Drive  
Sacramento, California 95826



Gray Davis  
Governor

N.D.S.

DEC 27 2001

December 19, 2001

Mr. Norm Siler, Manager  
Environmental Site Remediation  
Union Pacific Railroad  
1416 Dodge Street, Room 930  
Omaha, Nebraska 68179

### APPROVAL OF UNION PACIFIC RAILROAD TIDEWATER SUBDIVISION PRELIMINARY ENDANGERMENT ASSESSMENT (PEA) REPORT

Dear Mr. Siler:

The Department of Toxic Substances Control (DTSC) has reviewed the November 2001 report entitled "Preliminary Endangerment Assessment-Tidewater Southern Branch." The PEA report evaluated approximately 5.5 miles of rail line to be abandoned in Modesto, California. The report was prepared in accordance with the Voluntary Cleanup Agreement (VCA), Docket No.: HSA-A 00/01-172 and documents the investigation of potentially hazardous substances including arsenic, petroleum hydrocarbons, as well as legally applied pesticides in the soil along the Tidewater Subdivision rail line. This letter provides a final determination that No Further Action (NFA) is appropriate for the site and that it is appropriate to convert the unused rail line to a recreational trail.

According to information provided in the PEA report, the line has been used since approximately 1912 to transport mostly agricultural products. The line is currently not used for rail transport. Businesses, residences, and agricultural land border the rail line. No documented evidence of a release of hazardous substances has occurred at the site other than some minor petroleum hydrocarbon contamination in the rail car parking/maintenance area and some low levels of pesticide residue to control weeds along the rail line.

DTSC's Human and Ecological Risk Division (HERD) reviewed the PEA report on October 15, 2001 to determine whether the human health screening level risk assessment was consistent with DTSC and EPA guidance and adequately addressed selection of chemicals of concern, conceptual site model, exposure pathways, exposure parameters, potentially exposed populations (both present and future), exposure scenarios, toxicity criteria, exposure point concentrations, and calculations

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at [www.dtsc.ca.gov](http://www.dtsc.ca.gov).*

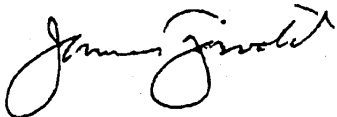
Mr. Norm Siler, Manager  
December 19, 2001  
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of intake and risk characterization. The report concluded that along the rail line the noncarcinogenic risk for a residential use (hazard index of 0.02) and future park use (hazard index 0.2) were below levels considered a problem (hazard index of 1). In the maintenance yard, the carcinogenic risk for residential use ( $2 \times 10^{-5}$ ) and for a trespasser ( $4 \times 10^{-6}$ ) are within a range considered acceptable by DTSC ( $1 \times 10^{-6}$  to  $1 \times 10^{-4}$ ). Noncarcinogenic risks evaluated for residential use (hazard index 0.01) and for a trespasser (hazard index 0.001) are below levels considered a problem (hazard index 1) for the maintenance area. DTSC concurs with the PEA's conclusions that concentrations present in soils at the site do not appear to pose a significant threat to human health or the environment.

Based on DTSC's review of the report, the site does not appear to pose a risk to human health or the environment. Therefore, DTSC has determined that No Further Action is necessary with respect to investigation and remediation of hazardous substances. The No Further Action status for the site applies to any further involvement by DTSC. As with any site, if previously unidentified contamination is discovered on the site, additional assessment, investigation, and/or remediation may be required.

If you have any question regarding this matter, please contact Mr. Tim Miles at (916) 255-3710.

Sincerely,



James L. Tjosvold, P.E., Chief  
Northern California-Central Cleanup Operations Branch

ccs: Ms. Ann Holbrow  
Geomatrix Consultants, Inc.  
2101 Webster Street, 12th Floor  
Oakland, California 94612

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December 19, 2001  
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Management Analyst  
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Mr. Tim Miles  
Hazardous Substances Scientist  
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Northern California-Central Cleanup Operations Branch  
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